



Recent Challenges

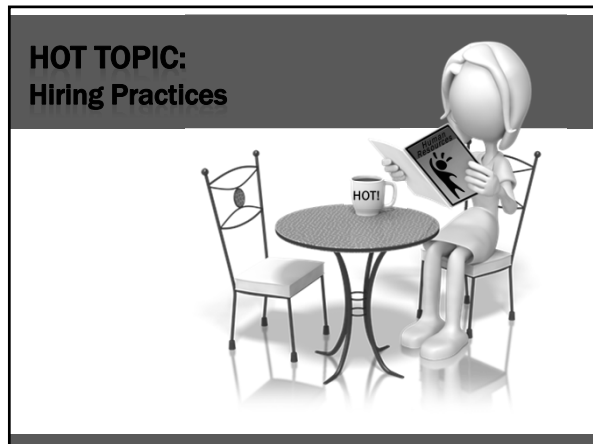
Note: ➡ = Hot Topics

<ul style="list-style-type: none"> • Funding loss, budgetary constraints • ➡ Ethical issues related to hiring & evaluating LSSPs • ➡ Roles & assignments for LSSPs • ➡ Informed consent issues • ➡ HB 646, SB 816, SB 152. • Standards-based IEPs • STAAR, end-of-course exams 	<ul style="list-style-type: none"> • School safety requirements • ➡ Changes in TSBEP rules & regulations • ➡ Contract termination for LSSPs • ➡ Increased concerns about cultural competency • Supervision structures • Novice LSSPs dealing with complexity • Variability in available school personnel
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Practical Solutions

- Remain up-to-date on changes in ethics codes, laws, and best practices guidelines
- Use a systematic, problem-solving approach to resolve the problem
- Use a team approach
- Consult with peers and colleagues
- Others?

The slide features a white background with the title "Practical Solutions" in bold. Below the title is a list of five bullet points. To the right of the list is a small illustration of two 3D figures, one slightly taller than the other, standing and facing each other as if in conversation. A small number "6" is in the bottom right corner.



Hiring Practices

Schools/Districts are aware that

- An individual must have the LSSP in order to provide school psychological services

Schools/Districts may not be aware that

- LSSPs can work with general education students (within parameters)
- Some individuals (i.e., practicum students, interns, and trainees) still have supervision requirements
- All LSSPs have ongoing credentialing/licensing requirements

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Hiring Practices

Relevant issues

- School districts' understanding of
 - Practice issues and regulatory requirements for LSSPs
 - Assignments and duties that LSSPs can perform
 - School psychological services
- School district employment contracts for LSSPs
 - Chapter 21 contracts
 - At-will contracts
 - Others

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Hiring Practices

*Chapter 21 of the Texas Education Code,
Sec. 21.002*

- Specifies three types of contracts a district can issue to individuals who are required to hold certification from the State Board for Educator Certification (SBEC)
- States that a district is not required to issue one of these three types of contracts to individuals who do not hold certification from SBEC [Sec. 21.002 (b)]

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Hiring Practices

At-will contracts

- Allows district to terminate employment without cause and without warning
- Allows employee to terminate job without reason or warning

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Hiring Practices

Potential for creating major dilemmas regarding

- Supervision
- Employment assignments
- Performance of duties
- Provision of services
- Others?

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Addressing Hiring Issues

During the hiring process

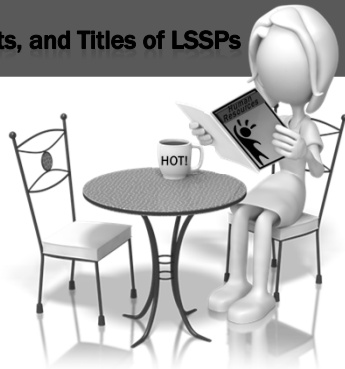
- Discuss practice parameters and regulatory requirements
- Articulate any issues that may negatively impact the district's expectations for assignment of duties

Ongoing efforts

- Increase awareness of professional standards and licensing requirements
 - Update administrators on any changes to regulatory requirements
 - Distribute relevant resources to administrators and HR personnel (i.e., TSBEF website, NASP handouts, etc.)

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HOT TOPIC: Roles, Assignments, and Titles of LSSPs



Roles, Assignments and Titles

Regulatory authority of TSBEF

- Licensee
 - Regulates the use of titles and the “activities” of the licensee (for protection of the public)
- School district
 - No regulatory authority (cannot regulate hiring (i.e., positions), titles of positions, which department employed for, population of students served, etc.)

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Roles, Assignments and Titles

Use of titles

- The LSSP is the required credential for the provision of psychological services in the public schools of Texas [Rule 465.38(3)]
*"School psychological services may be provided in Texas public schools **only** by individuals authorized by the TSBEP to provide such services. Individuals who may provide such school psychological services include LSSPs and interns or trainees."*

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Roles, Assignments and Titles

Use of titles (cont'd)

- The correct title for individuals providing school psychological services in Texas public schools is "Licensed Specialist in School Psychology" [Rule 465.38(2)]
- Only individuals who meet the requirements of rule 465.6 (i.e., have a doctorate in the area of school psychology) may refer to themselves as *School Psychologists*. No individual may use the title of *Licensed School Psychologist*

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Roles, Assignments and Titles

Roles of LSSPs

- Schools determine LSSP assignments or positions
- When LSSPs are assigned to special education programs
 - Salary typically is funded solely by federal program
 - Duties are primarily related to provision of special education services
 - Activities typically include the provision of "psychological services"

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Roles, Assignments and Titles

Roles of LSSPs (cont'd)

- When LSSPs are assigned to general education programs
 - Salary usually is funded by the district, but may be “split-funded” between district and federal program
 - Duties are primarily focused on providing general education prevention and support efforts
 - Activities may include “educational services” and/or “psychological services”

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Roles, Assignments and Titles

Activities of LSSPs

- Primary types of activities performed by LSSPs
 - Psychological services
 - Educational services

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Roles, Assignments and Titles

Activities of LSSPs (cont'd)

- Psychological services
 Defined in Board Rules [465.1 (10)] as
“Provision of psychological services” means any use by a licensee of his or her education or training in psychology in the context of a professional relationship. Psychological services include, but are not limited to, therapy, diagnosis, testing, assessments, evaluation, treatment, counseling, supervision, consultation, providing forensic opinions, rendering a professional opinion, performing research, or teaching to an individual, group, or organization.”

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Roles, Assignments and Titles

Activities of LSSPs (cont'd)

- Educational Services¹
 - Not defined in Board rules
 - *May* include activities (including consultation²) that are not “psychological” in nature

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¹ Services that do not rise to the level of "psychological services" as defined in Board Rule 465.10(10)

² For additional information, please refer to the article titled "Informed Consent in Public Schools", TSBE Newsletter Vol. 27, No. 2, Spring 2014.

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Roles, Assignments and Titles

Activities of LSSPs (cont'd)

In determining if the activity falls in the category of *educational services*, consider whether the activity

- Requires the individual to hold a specific license or credential to provide that activity in the public school
- Is solely reliant upon specialized education and training in psychology and psychological principles (such as that held by an LSSP)
- Would constitute the practice of psychology as defined by TSBEP and the Psychologist's Licensing Act
- Includes direct student services (i.e., services that are not under the authority of the teacher or other staff member)

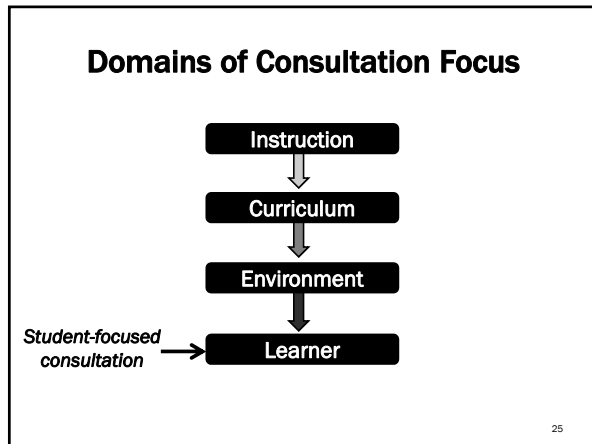
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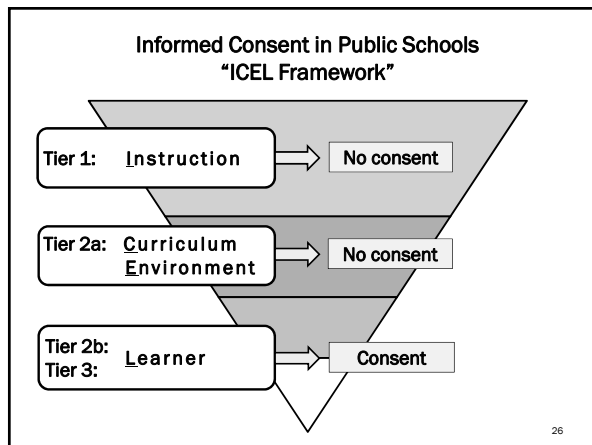
Roles, Assignments and Titles

Activities of LSSPs (cont'd)

NOTE: If any of these conditions are applicable, then the service should be considered a “higher” level of service (i.e., a psychological service), requiring specialized education and training in psychology and psychological principles.

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Roles, Assignments and Titles

Summary

- TSBEF does not have the authority to regulate school districts; it only has the authority to regulate the use of titles and the "activities" of the individuals licensed by the Board (which includes LSSPs)
- The "activities" performed by LSSPs that are subject to Board regulatory authority are the activities that constitute *psychological services* [Board Rule 465.1(10)].

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Roles, Assignments and Titles

Summary (cont'd)

- Some “activities” performed by LSSPs may be considered “educational services” and not “psychological services”

CAUTION: Strong consideration should be given to each of these activities to determine if they rise to the specialty level of “psychological services”.

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Roles, Assignments and Titles

Summary (cont'd)

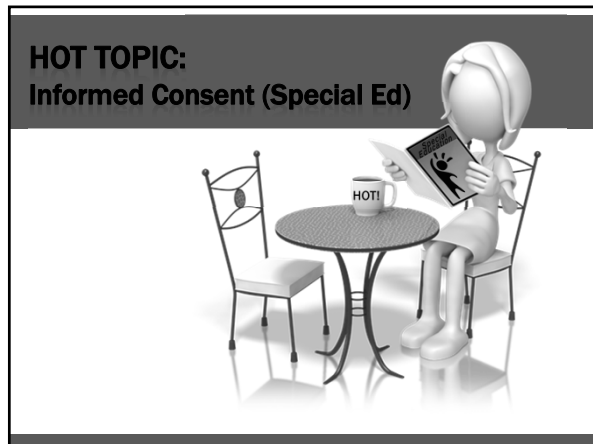
Questions to help determine the type of activity:

- Does the activity require the individual to hold a specific license or credential to provide that activity in the public school?
- Is the activity solely reliant upon specialized education and training in psychology and psychological principles (such as that held by an LSSP)?
- Is the activity “psychological” in nature (i.e., would it constitute the practice of psychology as defined by TSBEP and the Psychologist’s Licensing Act)?
- Does the activity involve direct student services (i.e., services that are not under the direct authority of the teacher or another staff member)?

Roles, Assignments and Titles

Concluding Comments

- The information provided in this workshop does not constitute a TSBEP opinion (See 22 Tex. Admin. Code, Pt. 21, §461.2.)
- This information merely reflects the thoughts and opinions of the presenter on the issue of roles and assignments of LSSPs.
- In the event an opinion from the full Board is desired, a written request for a formal Board opinion would need to be submitted to the TSBEP, which would then be presented to the full Board at the next regularly scheduled board meeting.



Federal Requirement: Consent for Special Education

- Consent must address evaluation in all areas of suspected disability (as defined by IDEA 2004)
 - Sample wording: “Students are evaluated in all areas of suspected disability and in all areas related to the suspected disability. The evaluation must be sufficiently comprehensive to identify special education and related services needs.”
- **No separate consent** for “Psychological Evaluation” is required

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Additional Requirement: Supervision

When evaluation is conducted by an individual who is under supervision (practicum student, intern, trainee), consent must include

- Name, title, and contact information for the individual under supervision
- Name and contact information for the individual providing the supervision

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State Requirement:
Prior to Consent for Special Education

- **Texas Education Code (Section 29.0041)** has additional requirements **ONLY IF**
 - The parent of a child requests the name and type of examination and test

“for the administration of any psychological examination or test to the child that is included as part of the evaluation of the child's need for special education”
- The information is then provided **prior to** obtaining the parent's consent under 20 U.S.C. Section 1414

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State Requirement:
Prior to Consent for Special Education

- **TEC 29.0041 Subsection (b)**

“If the district determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent under Subsection (a), the district shall provide the information described by Subsections (a)(1) and (2) to the child's parent regarding the additional examination or test and **shall obtain additional consent** for the examination or test. ” [TEC 29.0041(b)]

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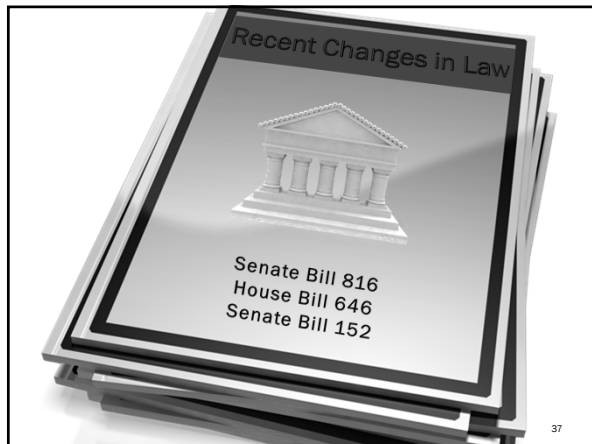
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State Requirement:
Prior to Consent for Special Education

- **TEC 29.0041 Subsection (c)**

“The time required for the district to provide information and seek consent under Subsection (b) may **not** be counted toward the 60 calendar days for completion of an evaluation under Section 29.004. If a parent does not give consent under Subsection (b) within 20 calendar days after the date the district provided to the parent the information required by that subsection, the parent's consent is considered denied.”

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Senate Bill 816

Key Points

- Effective 9/1/13
- Changes evaluation timeline to 45 school days
- Extends evaluation timeline (day for day) when student is absent for more than 3 days
- Eliminates evaluation requirement during summer breaks
- Provides a 15-school day timeline for a district to respond to a parent's written request for evaluation
- Does not change requirement of 30 calendar days to hold ARD/IEP meeting after evaluation is completed

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Senate Bill 816

Additional implications

- Does not alter the 'three is three' requirement
- Extended absences (due to medial problems) that lead to homebound services under general education, would not be considered absences – homebound time would count as "school days"
- Students under age 5 and those in home school or private placements (i.e., not enrolled in public school) would be evaluated in 45 school days

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House Bill 646

- Effective 6/14/2013 (signed by governor)
- Amends Section 501.260 of Occupations Code
 - Adds requirement that one of the members appointed to TSBEP must practice as a licensed specialist in school psychology
- Changes do not affect currently serving Board members
- As terms expire, the governor shall appoint or reappoint a member who meets the requirement

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Senate Bill 152

- Effective 6/14/2013 (signed by governor)
- Amends Family Code (Section 261.101)
- Adds reporting requirement for persons or professionals who have cause to believe that an adult was a victim of abuse or neglect as a child, **and** the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of
 - Another child; or
 - An elderly or disabled person as defined by Section 48.002 of the Human Resources Code

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Senate Bill 152

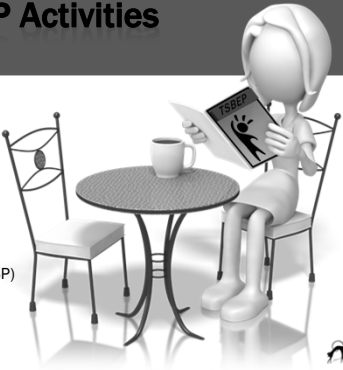
Requirement to report applies (without exception) to individuals whose personal communications may otherwise be privileged, and includes


- An attorney
- A member of the clergy
- A medical practitioner
- A social worker
- A mental health professional
- An employee or member of a Board that licenses or certifies a professional
- An employee of a clinic or health care facility that provides reproductive services

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Recent TSBEP Activities

- Duty to report legal actions
- Professional profiles
- Annual renewal fees
- Professional development
- Use of titles
- Nonrenewal for default of student loan
- Termination of services (LSSP)





Updated:
01/04/2013

*Texas State Board of
Examiners of Psychologists
Act and Rules*

<http://www.tsbep.state.tx.us/files/agencydocs/TSBEPRuleBook.pdf>

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Duty to Report Legal Action

- Adopted New Rule 461.11(a)(1)



Duty to Report Legal Actions

Rule 469.11 (a) (1)

- A licensee must report any criminal or civil action within 30 days. This includes an arrest, indictment, conviction, or civil suit.
- Failure to report such action may result in disciplinary action being initiated against the licensee

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Professional Profiles

- Amended Rule 461.6



Duty to Update TSBEP

Rule 461.6

- An applicant or licensee must keep their professional file updated by reporting any changes in writing within 90 days. This includes changes to one's telephone number, as well as address.

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Annual Renewal Fees

- Amended Rule 473.3



Rule 473.3

Increased amounts for these license renewals

- LPA – \$121 (formerly \$114)
- PLP – \$116 (formerly \$109)
- LP – \$212 (formerly \$205)
- LSSP – \$64 (formerly \$57)

NOTE: No changes in rates for those over the age of 70

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Professional Development

- Amended Rule 461.11



Professional Development

Rule 461.11

- Effective October 1, 2014
- Requires **20** clock hours of professional development annually
 - Of these 20 hours, 3 hours must be in the area of ethics, Board's Rules of Conduct, or professional responsibility, **and**
 - Of these 20 hours, 3 hours must be in the area of cultural diversity (includes but is not limited to: age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and social economic status)

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Professional Development

Rule 461.11

- At least half (10) of the required 20 hours of professional development must be obtained from or endorsed by national, regional, state, or local psychological associations, public school districts, regional service centers for public school districts, or psychology programs at regionally accredited institutions of higher education

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Professional Development Opportunities

Pearson Webinars:

(<http://www.pearsonclinical.com/psychology/webinars/currenlisting.html>)

Q-Interactive: Overview
Presenter: James Henke

Introducing Digital WISC-V on Q-Interactive
Presenter: Amy Dilworth Gabel, PhD

Understanding cognitive strengths and needs using the WISC-V
Presenter: Amy Dilworth Gabel, PhD

Overview of the KTEA-3 Written Language Assessments
Presenter: Adam Scheller, PhD

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Professional Development Opportunities






Release Date: June 2014

Release Date: September 2014


Release Date: Summer 2014

Digital Technology

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Use of Titles when Applicant Holds Another License

- Amended Rule 463.31



Use of Titles When Applicant Holds Another License

Rule 463.31

- Effective August 15, 2013
- Allows Licensed Psychological Associates (LPAs) to use their title while participating in a practicum that is part of the person's supervised course of study to obtain a doctoral degree in psychology
- Ultimate authority for all cases, whether within a practicum or in private practice, rests with the supervisor

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Use of Titles When Applicant Holds Another License

Rule 463.31

- Does not include the use of the LSSP for licensee's who are enrolled in a course of study to obtain a doctoral degree in psychology

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Nonrenewal for Default of Guaranteed Student Loan

- New Rule 471.4



Nonrenewal for Default of Student Loan

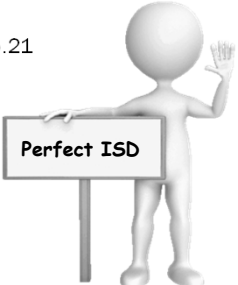
Rule 471.4 (old rule repealed and new rule adopted)

- Provides for a hearing as required by Tex. Educ. Code Ann. (§57.491) before any action is taken concerning the nonrenewal of a license arising out of a default on a guaranteed student loan

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Termination of Services (LSSP)

- Amended Rule 465.21



Termination of Services

Rule 465.21

- Effective August 15, 2013
- Prohibits LSSPs from terminating their employment and abandoning their clients without adequate notice or good cause, thus ensuring that public schools are able to comply with federal education requirements for the staffing of mental health professionals

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Termination of Services

Discussion points

- Aligns LSSPs' contracts with the same requirements of their certified colleagues (i.e., provides 45 days to resign from contract prior to first day of instruction)
- Ensures continuity in the provision of services to students in public schools
- Assures that staffing ratios, allocations, caseloads and assignments can be maintained during an academic school year
- Provides school districts with recourse against an LSSP if they resign during the school year without reasonable cause


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HOT OFF THE PRESS!!



- Texas Attorney General (AG) Opinion

Texas AG Opinion



Addresses two “burning” questions

1. Does a university have to use the official title of *psychologist* or *psychological associate* when describing an employee in order for that employee’s activities and services to be exempt under Section 501.004 of the Psychologists Licensing Act?
2. Is an individual who is licensed as a LSSP and employed by a regionally accredited institution of higher education (university) as a LSSP exempt from the Act?

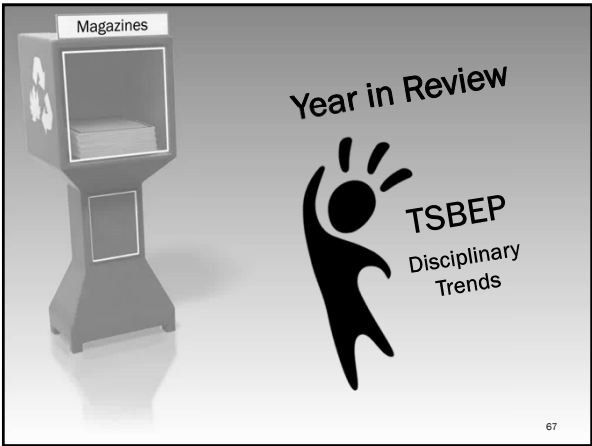
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Texas AG Opinion

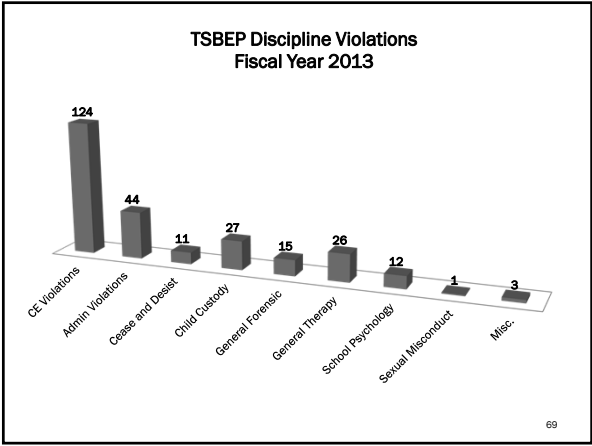
Summary

1. A university is not required to use the official title of “psychologist” or “psychological associate” when describing employees in order for those employees’ activity or service to be exempt from the Psychologists’ Licensing Act under Occupations Code Section 501.004.
2. A university subject to 501.004 could employ a licensed specialist in school psychology as a psychologist or psychological associate, and that individual’s service or activity performed within the scope of the employment would be exempt from the Psychologists’ Licensing Act.

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TSBEP Ethical Violations			
Disciplinary Trends	Fiscal Year 2013	Fiscal Year 2012	Fiscal Year 2011
Continuing education	47%	52%	55%
General administrative	17%	12%	6%
General therapy	10%	11%	16%
School psych services	5%	3%	3%
General forensic	6%	4%	6%
Child custody	10%	11%	9%
Sexual misconduct	4%	2%	1%
Other (Cease & Desist, Misc., Non-jurisdictional)	1%	5%	4%



Complaints in Perspective



Number of Licensees 2012

- 4,531 Licensed Psychologists
- 219 Provisionally Licensed Psychologists
- 1,154 Licensed Psychological Associates
- 3,099 Licensed Specialists in School Psychology

9,003 Total Licensees (includes 1,274 dual licensees)

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Complaints in Perspective

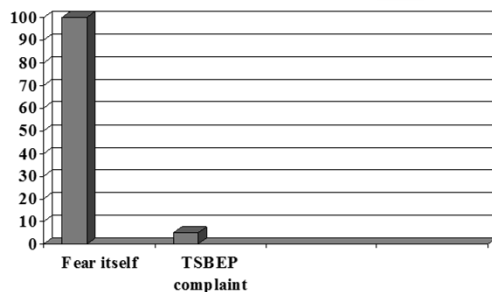


Fiscal Year 2013

- 263 Discipline complaints
- 225 Cases Dismissed (85.5%)
- 38 Disciplinary actions taken (14.5% of all complaints, which included 6 CE cases)

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Things to Fear



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Questions? Comments?



Contact Information

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Resources

National Association of School Psychologists, (2010). *Principles for Professional Ethics*. Bethesda, MD

National Association of School Psychologists, (2010). *Model for comprehensive and integrated school psychological services*. Retrieved from http://www.nasponline.org/standards/2010standards/2_Practice Model.pdf

Texas State Board of Examiners of Psychologists (2013). *Psychologists Licensing Act and Rules and Regulations*. Austin, TX

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